

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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PETER H. KELLY and  
STEPHANIE A. KELLY,

Plaintiffs,

v.

**ORDER**

Civil File No. 14-3133 (MJD/TNL)

WELLS FARGO BANK, N.A., and  
FEDERAL HOME LOAN MORTGAGE  
CORPORATION a/k/a FREDDIE MAC,

Defendants.

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Carl E. Christensen, Daniel M. Eaton, and Cole W.R. Langsdorf, Christensen Law Office PLLC, Counsel for Plaintiffs.

Curt N. Trisko, The Academy Law Group, P.A., Counsel for Defendant Federal Home Loan Mortgage Corporation a/k/a/ Freddie Mac.

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This matter is before the Court on Defendant Federal Home Loan Mortgage Corporation's Motion to Dissolve Temporary Restraining Order.

[Docket No. 65] Plaintiffs do not oppose dissolution of the Temporary Restraining Order.

On April 25, 2016, this Court granted summary judgment for Defendants and dismissed this matter with prejudice. [Docket No. 62] Judgment was

entered on April 26. [Docket No. 63] The Kellys have filed an appeal to the Eighth Circuit Court of Appeals. [Docket No. 70]

Before this action was filed, Defendant Federal Home Loan Mortgage Corporation (“Freddie Mac”) obtained a judgment for eviction against Plaintiffs Peter and Stephanie Kelly. [Docket No. 1-5] The Kellys then filed the current action in Minnesota State Court. On July 25, 2014, before this matter was removed to federal court, the Minnesota District Court entered an ex parte Temporary Restraining Order enjoining the eviction. [Docket No. 1-6] The Temporary Restraining Order stated that it would be in effect until an order was entered on the Kellys’ motion for a temporary injunction. The matter was then removed to this Court and no further motions or hearings on the Temporary Restraining Order occurred.

Under 28 U.S.C. § 1450, whenever an action is removed from state court to federal court, “[a]ll injunctions, orders, and other proceedings had in such action prior to its removal shall remain in full force and effect until dissolved or modified by the district court.” Based on the Court’s ruling on the summary judgment motions and the judgment entered in this matter, there is no legal basis for the continued existence of the Temporary Restraining Order. At this stage, if

the Kellys seek to enjoin the eviction, they would be required to file a new motion with the appropriate court.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

1. Defendant Federal Home Loan Mortgage Corporation's Motion to Dissolve Temporary Restraining Order [Docket No. 65] is **GRANTED**.
2. The Temporary Restraining Order [Docket No. 1-6] is **DISSOLVED**.

Dated: June 2, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court